

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Sylvester Ruffin

Docket No. 5:03-CR-17-1BO

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Sylvester Ruffin, who, upon an earlier plea of guilty to 18 U.S.C. §§ 922(g)(1) and 924, Possession of a Firearm by a Convicted Felon, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on October 21, 2003, to the custody of the Bureau of Prisons for a term of 180 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On March 30, 2005, the defendant's sentence was amended to 120 months due to this case being remanded. Sylvester Ruffin was released from custody on June 15, 2011, at which time the term of supervised release commenced.

On August 9, 2011, a Violation Report was submitted to the court advising that the defendant's estranged wife filed charges in Stanley County, North Carolina, for Communicating Threats and Harassing Phone Call. Additionally, she filed a domestic violence protection order. Ruffin denied guilt, but was instructed not to have any contact with his estranged wife. The court agreed to continue supervision until adjudication in state court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant was arrested for the aforementioned charges (Communicating Threats and Harassing Phone Call) on August 11, 2011. On September 7, 2011, the defendant pled guilty to Harassing Phone Call in Stanley County District Court, and he received an active sentence of 21 days, ordered not to have any contact with his estranged wife, given credit for time served, and was released. The companion charge was voluntarily dismissed. As a sanction for this conduct, we are recommending that Ruffin be placed on home detention for a period of 30 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
1760 Parkwood Blvd., Room 201
Wilson, NC 27893-3564
Phone: 252-237-0788
Executed On: September 9, 2011

ORDER OF COURT

Considered and ordered this 10 day of September, 2011, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge